

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

KEVIN JOHNSON,
Plaintiff,

v.

Civil Action No. 3:24-cv-00080 (HEH)

VIRGINIA DEPARTMENT
OF CORRECTIONS, *et al.*,
Defendants.

MEMORANDUM ORDER

This matter was referred to the undersigned for full disposition of the following:

1. Plaintiff's Motion for Hearing and Request for Emergency Hearing on Defendant's Breach of Settlement Agreement (ECF No. 98);
2. Plaintiff's Motion to Compel Production of Documents (ECF No. 102);
3. Plaintiff's Request for Habeas Corpus Ad Testificandum (ECF No. 105);
4. Plaintiff's Motion for Contempt (ECF 107);
5. Plaintiff's Supplemental Motion to Enforce Settlement Agreement (ECF No. 108);
6. Plaintiff's Notice of Withdrawal of Plaintiff's Added and Amended Grounds in Support of Motion for Hearing (ECF No. 109); and
7. Defendants' Motion for Extension of Time to File Response/Reply to Plaintiff's Motions or Discovery Hereafter Served (ECF No. 113).

(ECF No. 114.) As an initial matter, Plaintiff moves to withdraw both the "Added and Amended Grounds in Support of Motion for Hearing" and "Request for Habeas Corpus Ad Testificandum[.]" (ECF No. 109.) In doing so, he "reinstates his Motion and Request for Emergency Hearing on Defendant's Breach of Settlement Agreement, which he supplements with his 'Supplemental Motion to Enforce Settlement Agreement' filed herewith." (ECF No. 109).

Accordingly, the Court GRANTS Plaintiff's Notice of Withdrawal (ECF No. 109), and the two filings (ECF Nos. 104 and 105) are hereby deemed WITHDRAWN. In granting Plaintiff's Notice of Withdrawal, the Court will consider Plaintiff's Supplemental Motion to Enforce Settlement Agreement (ECF No. 108) in tandem with the underlying Motion to Enforce (ECF No. 98) to the extent that it seeks to enforce the parties' Settlement Agreement. Consequently, the Court will no longer consider Plaintiff's Motion to Enforce (ECF No. 98), Supplemental Motion to Enforce Settlement Agreement (ECF No. 108), and Motion to Compel Production of Documents (ECF No. 102) to the extent that they move to set aside the parties' Settlement Agreement.

Additionally, Defendants have moved for an extension of time to reply (ECF No. 113) "for future filings or discovery" pending the Court's finding on whether it has jurisdiction to give Plaintiff the relief he seeks. (ECF No. 113.) In support, Defendants allege that Plaintiff's "multiple filings since June 2, 2025, unreasonably and vexatiously multiply these proceedings, needlessly clutter the Court's docket, and burden Defendants with having to respond." (ECF No. 113 at 3.) In support, they claim that Plaintiff, since his transfer to the South Carolina Department of Corrections, has initiated at least three lawsuits against the Commonwealth of Virginia in various Virginia state courts "in an effort to burden VADOC and its attorneys." *Id.* at 3-4.

Finding good cause, the Court GRANTS Defendants' Motion for Extension (ECF No. 113). Defendants are directed to respond to any further motions Plaintiff may file regarding the pending motions (ECF Nos. 98, 102, 107, 108) not later than 30 days following the Court's determination on jurisdiction, or at such time as otherwise directed by the Court.

The Court construes Plaintiff's remaining pending motions (ECF Nos. 98, 102,¹ 107),

¹ Plaintiff's Motion to Compel Production of Documents and Things ("Motion to Compel") appears to seek the return of personal property left in VDOC custody following Plaintiff's transfer to the South Carolina Department of Corrections. Because the transfer itself was pursuant to the


collectively, as a Motion to Enforce, supporting memoranda, and a reply to Defendants' Memorandum in Opposition. Defendants have filed Responses. (ECF Nos. 99, 103, 111, 112.) Given that the matter is fully ripe for disposition, Plaintiff is advised that "[n]o further briefs or written communications may be filed without first obtaining leave of Court." Local Civ. R. 7(F)(1).

CONCLUSION

For the foregoing reasons, the Court GRANTS Plaintiff's Notice of Withdrawal of Plaintiff's Added and Amended Grounds in Support of Motion for Hearing (ECF No. 109). Plaintiff's Added and Amended Grounds in Support of Motion for Hearing (ECF No. 104) and Plaintiff's Request for Habeas Corpus Ad Testificandum (ECF No. 105) are WITHDRAWN.

The Court GRANTS Defendants' Motion for Extension of Time (ECF No. 113). This matter will proceed only as to Plaintiff's Motion to Enforce the Settlement Agreement, and the Court will take no further action as to Plaintiff's request to set aside the Settlement Agreement.

It is so ORDERED.

/s/ 

Mark R. Colombell
United States Magistrate Judge

Richmond, Virginia
Date: September 15, 2025

underlying Settlement Agreement, the Motion to Compel shall be considered as a supporting memorandum to Plaintiff's Motion to Enforce.